

// A special meeting of the Council of the City of Lynchburg, recessed from April 6, was held on the 13<sup>th</sup> day of April, 2004, at 1:00 P.M., Second Floor Training Room, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session to discuss balancing the Proposed FY 2005 Budget. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// City Manager Kimball Payne provided City Council with a revised spreadsheet containing updated revenue projections, changes to proposed expenditures resulting from corrections and adjustments due to updated information, items that Council Members mentioned for further discussion, and topics presented at the budget public hearing. In response to questioning, City Manager Kimball Payne named the agencies where five affirmative votes would be needed to provide funding to that agency. City Council discussed the various items on the spreadsheet and agreed to the following changes.

On motion of Council Member Foster, seconded by Council Member Garber, Council by the following recorded vote agreed not to include funding in the FY 2005 Budget for the July 1 City Council salary increase and Council by the following recorded vote approved the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On motion of Council Member Foster, seconded by Council Member Adams, Council by the following recorded vote agreed to restore \$10,557 funding in the FY 2005 Budget to CASA:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Noes: Seiffert 1

On motion of Council Member Foster, seconded by Council Member Barksdale, Council by the following recorded vote defeated the motion to restore \$9,960 funding in the FY 2005 Budget to the Legal Aid Society:

Ayes: Barksdale, Dodson, Foster, Hutcherson 4

Noes: Adams, Garber, Seiffert 3

On motion of Council Member Foster, seconded by Vice Mayor Dodson, Council by the following recorded vote defeated the motion to restore \$5,200 funding in the FY 2005 Budget to the Area Agency on Aging:

Ayes: Barksdale, Dodson, Foster, Hutcherson 4

Noes: Adams, Garber, Seiffert 3

On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote agreed to restore \$53,240 funding in the FY 2005 Budget to the Greater Lynchburg Transit Company to maintain night bus service:

Ayes: Barksdale, Dodson, Foster, Hutcherson 4

Noes: Adams, Garber, Seiffert 3

On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote agreed to restore \$309,606 funding in the FY 2005 Budget to fund overtime to various departments:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote agreed to include \$6,617 in the FY 2005 Budget for increases to dues and memberships in the Council/Manager Budget:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On motion of Vice Mayor Dodson, seconded by Council Member Foster, Council by the following recorded vote agreed to restore \$4,400 in funding in the FY 2005 Budget for the Public Works Department safety picnic and meals for employees attending training events:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

City Council agreed to accept the Police Chief's recommendation to reduce the Police cadet program from 6 to 4 positions.

City Council asked that the following items be discussed at a future work session, i.e., take home vehicles, General Relief Fund, VRS increase, 5% employee retirement contribution paid by the City, and whether or not the City can opt out of the LEOS program.

// The meeting was adjourned at 4:50 p.m.

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Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of April, 2004, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Seiffert gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the March 23 (two meetings), March 30, and March 31, 2004 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Dodson, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// Copies of the minutes of the April 6, 2004 meeting, having been previously furnished Council, reading was dispensed with. Council Member Seiffert stated that he would abstain from voting since he was not present at the April 6 meeting. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Noes: 0

Abstention: Seiffert 1

// In the matter of Recreation - General, City Council Report #2 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-04-037, as presented, supporting grant funding for the Virginia Outdoors Fund Grant Program:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire – General, City Council Report #3 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-038, as presented, amending the FY2004 General Fund Budget and appropriating \$40,500 to the Fire and EMS Department for the purchase and installation of nine (9) mobile digital terminals in selected departmental vehicles:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Economic Department – General, City Council Report #4 was considered. On motion of Council Member Seiffert, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-039, as presented, amending the FY 2004 General Fund Budget and appropriating \$150,000, fully reimbursable, for the StarTek project:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Human Services – General, City Council Report #5 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-040, as presented, amending the FY 2004 City/Federal/State Aid Projects Fund and appropriating \$5,632, fully reimbursable, for the Educational Support Special Initiative Grant:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #6 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-041, as presented, amending the FY2004 LEAF Fund Budget and appropriating \$217,500, fully reimbursable from donations, for Phase III of the LEAF project:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// On behalf of City Council, Mayor Hutcherson presented Lisa Melton, Miss Lynchburg 2004, with a Certificate of Recognition for her commitment to the American Heart Association and the Heart Truth Campaign and in support of her efforts to be crowned Miss Virginia 2004.

// Representatives of the Save Outdoor Sculpture Committee of the Lynchburg Historical Foundation presented the City with a check for \$40,000 in support of the restoration of the sculptures on Monument Terrace.

// In the matter of Community Planning – Community Development, a public hearing was held regarding City Council Report #7 regarding reallocation of \$125,000 from the Spot Blight Abatement Project funded in the Community Development Block Grant (CDBG) Program to the Fifth Street Revitalization project. Council Member Adams stated that he would abstain since the property in question was located directly across the street from his business. Administrative and Grants Coordinator Melva Walker outlined the request. There was no one else present who wished to speak to this item. On motion of Vice Mayor Dodson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-04-042, as presented, approving the reallocation of \$125,000 from the Spot Blight Abatement Project funded in the Community Development Block Grant (CDBG) Program to the Fifth Street Revitalization project:

Ayes: Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 6

Noes: 0

Abstention: Adams 1

// In the matter of Public Works – Street Vacations, a public hearing was held regarding City Council Report #8 regarding the petition of Tammy Marsh and Bernadine C. Gaines to vacate a public access easement located between 116 and 117 Averill Court. Tammy Marsh along with Barsino Horsley, representing Ms. Gaines, stated that they were not told about the public access easement prior to

purchasing their properties and that the easement presents a significant depreciation in the value of their homes, an intrusion of their privacy, along with other negative factors. Ms. Marsh stated that it was her understanding that the developer has allocated another public access easement to the City and therefore she would like to request that City Council vacate the public access easement located between their two properties. Mr. Andy Reeder, representing Parks and Recreation, stated that the current easement provides one of the few accesses to the trail along the creek if developed and asked that the easement not be vacated at this time. Mr. Reeder went on to say that he is working with the developer to identify another location for an easement to the trail and recommended that the current easement not be vacated until such time as an alternative easement can be identified, approved by the City, and the plat recorded in the Clerk's Office. There was no one else present who wished to speak to this item. In response to questioning, City Attorney Walter Erwin stated that City Council could postpone this item indefinitely or until such time as the developer has dedicated another easement to the City. City Manager Kimball Payne suggested that in order to avoid having to bring this item back to City Council at a later date, that Council go ahead and authorize the vacation of the public access easement at such time that the City is provided by the developer an alternative public access easement to the trail that is acceptable to the City. Following discussion, and on motion of Council Member Seiffert, seconded by Council Member Barksdale, Council by the following recorded vote adopted Ordinance #O-04-043, as amended, authorizing the vacation of the public access easement located between 116 and 117 Averill Court at such time that the City is provided by the developer an alternative public access easement to the trail that is acceptable to the City:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

7

Noes:

0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #9 regarding amending the Future Land Use Map for an area located at 5605 Richmond Highway from "Low Density Residential" to "Employment 2" and regarding the petition of Truck Enterprises, Inc., to rezone approximately 17.5 acres at 5605 Richmond Highway from R-2, Single-Family Residential District, to B-5, General Business District (Conditional) to allow the construction of a truck dealership. City Planner Tom Martin provided a brief overview regarding the proposed amendment to the Land Use Map and the rezoning request. Mr. Trent Warner, WW Associates, along with Dwight Hartman, President, Truck Enterprises, Inc., outlined the request and asked for approval. There was no one else present who wished to speak to this item. In response to Council Member Seiffert's question regarding relocation of the signs to a lower elevation, Mr. Warner explained that the contract with the truck manufacturers require that the signs be the largest and placed as high as the locality's zoning ordinance allows. Mr. Warner further explained that the placement of signs is also a safety issue because truck drivers need to be able to see the signs from a far enough distance away so they would have time to start slowing down and make the exit at a safe speed. On motion of Council Member Adams, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Ordinance #O-04-043, as presented, amending the Future

Land Use Map for an area located at 5605 Richmond Highway from "Low Density Residential" to "Employment 2":

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted Ordinance #O-04-044, as presented, approving the petition of Truck Enterprises, Inc., to rezone approximately 17.5 acres at 5605 Richmond Highway from R-2, Single-Family Residential District, to B-5, General Business District (Conditional) to allow the construction of a truck dealership:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #10 outlining the petition of Thomas C. Brooks, Sr., of Acres of Virginia, to rezone approximately 3.085 acres at 3631 Old Forest Road from R-3, Medium Density Residential, and B-1 Limited Business, to B-1(C), Limited Business (Conditional) to allow the construction of an office complex. City Planner Tom Martin provided a brief overview regarding the request. Mr. Thomas Brooks outlined the request and asked for approval. There was no one else present who wished to speak to this item. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Ordinance #0-04-046, as presented, granting the petition:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Finance - Bonds, a public hearing was held regarding City Council Report #11 regarding the issuance of \$36,015,000 of General Obligation Public Improvement Bonds and a like amount of Bond Anticipation Notes. Mike Hill, Director of Financial Services, outlined the request. There was no one else present who wished to speak to this item.

On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-04-047, as presented, authorizing the issuance of \$48,015,000 principal amount of General Obligation Public Improvement and Refunding Bonds:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-048, as presented, amending the FY 2004-2009 Capital Improvement Plan and appropriating \$120,000 for the issuance costs associated with the issuance of \$47,895,000 General Obligation and Refunding Bonds:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Finance – Bonds, a public hearing was held regarding City Council Report #12 regarding the issuance of \$6,000,000 Sewer Revenue Bonds. Mike Hill, Director of Financial Services, outlined the

request. There was no one else present who wished to speak to this item. On motion of Council Member Seiffert, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-04-049, as presented, authorizing the issuance of \$6,000,000 Sewer Revenue Bonds for the purpose of providing funds to pay the cost of capital improvements to the City's sewer system:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning – Community Development, City Council Report #13 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Seiffert, Council by the following recorded vote approved the allocation of Fiscal Year 2005 Community Development Block Grant (CDBG) and HOME funds to eligible program activities:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works – General, City Council Report #14 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Ordinance #0-04-050, as presented, amending Section 34-77 of the City Code relating to civil penalties associated with violations by industrial users of pretreatment standards and requirements:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// On motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote elected to hold a closed meeting regarding the disposition of publicly held real property because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Adams made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

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The Motion was seconded by Council Member Barksdale, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 9:25 P.M. to April 20, at 1:00 P.M., to conduct a work session regarding the FY 2005 Budget.

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Clerk of Council